

under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

(b) Amount of penalty

The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this chapter, taking into account, in addition to other factors—

- (1) the archaeological, historical, or commercial value of the item involved;
- (2) the damages suffered, both economic and noneconomic, by an aggrieved party,¹ and
- (3) the number of violations that have occurred.

(c) Actions to recover penalties

If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

(d) Subpoenas

In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

(Pub. L. 101–601, § 9, Nov. 16, 1990, 104 Stat. 3057.)

§ 3008. Grants

(a) Indian tribes and Native Hawaiian organizations

The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

(b) Museums

The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 3003 and 3004 of this title.

(Pub. L. 101–601, § 10, Nov. 16, 1990, 104 Stat. 3057.)

§ 3009. Savings provision

Nothing in this chapter shall be construed to—
(1) limit the authority of any Federal agency or museum to—

- (A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and
- (B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this chapter;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

(Pub. L. 101–601, § 11, Nov. 16, 1990, 104 Stat. 3057.)

§ 3010. Special relationship between Federal Government and Indian tribes and Native Hawaiian organizations

This chapter reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

(Pub. L. 101–601, § 12, Nov. 16, 1990, 104 Stat. 3058.)

§ 3011. Regulations

The Secretary shall promulgate regulations to carry out this chapter within 12 months of November 16, 1990.

(Pub. L. 101–601, § 13, Nov. 16, 1990, 104 Stat. 3058.)

§ 3012. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 101–601, § 14, Nov. 16, 1990, 104 Stat. 3058.)

§ 3013. Enforcement

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this chapter and shall have the authority to issue such orders as may be necessary to enforce the provisions of this chapter.

(Pub. L. 101–601, § 15, Nov. 16, 1990, 104 Stat. 3058.)

CHAPTER 32A—CULTURAL AND HERITAGE COOPERATION AUTHORITY

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| Sec. | |
| 3051. | Purposes. |
| 3052. | Definitions. |
| 3053. | Reburial of human remains and cultural items. |
| 3054. | Temporary closure for traditional and cultural purposes. |
| 3055. | Forest products for traditional and cultural purposes. |
| 3056. | Prohibition on disclosure. |
| 3057. | Severability and savings provisions. |

§ 3051. Purposes

The purposes of this chapter are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including

¹ So in original. The comma probably should be a semicolon.